

विकास नियंत्रण नियमावली वृहन्मुंबई १९९१

वृहन्मुंबई शहराच्या मंजूर विकास योजनेत
सरकारी जागेवरील आरक्षित भूखंडाचा
टीडीआर/एफ.एस.आय. मंजूर करणेबाबत-
धीरणात्मक निर्णय

महाराष्ट्र शासन
नगर विकास विभाग

ठराव क्रमांक: टीपीवी-४३९८/५१६/प्र. क्र. ७७/९८/नवि-११

मंत्रालय, मुंबई- ४०० ०३२.

दिनांक: १८ ऑगस्ट १९९८.

सोबत जोडलेला शासन निर्णय आवश्यक त्या कार्यवाहीसाठी व
माहितीसाठी पाठविण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,

(२)-३३१५१
[सु. वि. देशपांडे]

महाराष्ट्र शासनाचे अवर सचिव

प्रति,

- १] प्रधान सचिव [महसूल], महसूल व वन विभाग, मंत्रालय, मुंबई-३२.
- २] आयुक्त, कोकण विभाग, मुंबई.
- ३] महानगर आयुक्त, मुंबई महानगर प्रदेश विकास प्राधिकरण, वांद्रे,
मुंबई- ४०००५१.
- ४] महापालिका आयुक्त, वृहन्मुंबई महानगरपालिका, मुंबई.
- ५] व्यवस्थापकीय संचालक, महाराष्ट्र पर्यटन विकास महामंडळ, मुंबई.
- ६] संचालक [अभिर्गोत्रिकी सेवा व प्रकल्प] वृहन्मुंबई महानगरपालिका, मुंबई
- ७] प्रमुख अभियंता [विकास नियोजन] वृहन्मुंबई महानगरपालिका, मुंबई.
- ८] संचालक नगर रचना, महाराष्ट्र राज्य, पुणे.
- ९] उपसंचालक नगर रचना, एन्टा हटमेट, आझाद मैदान, मुंबई-१.
- १०] जिल्हाधिकारी, मुंबई उपनगर जिल्हा, वांद्रे [पूर्व], मुंबई-५१.

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Development Control Regulations
for Greater Mumbai, 1991

Grant of FSI/TDR in lieu of
Government lands reserved for
roads and public purposes.....
Policy regarding

Government of Maharashtra
Urban Development Department
No. TPB 4398/516/CR 77/98/UD-11
Mantralaya, Mumbai-400 032.

Date: 18th August, 1998.

GOVERNMENT RESOLUTION

Preamble: Government in Urban Development Department vide Notification No. DCR 1090/RDP/UD-11 dated 20 February, 1991 has sanctioned the Development Control Regulations for Greater Mumbai, 1991 to come into operation with effect from 25 March, 1991 (hereinafter referred to as 'the said Regulations'). While sanctioning the said Regulations, new concept of Transfer of Development Rights (hereinafter briefed as TDR) has been introduced for the first time. By way of TDR, possession of the lands by the Planning Authority earmarked for roads or reserved for public purposes in the Development Plan has become easier and simpler avoiding the legal acquisition proceedings. There appears no difficulties in securing privately owned reserved lands by awarding TDR, subject to compliance of prescriptions contained in the said Regulations. However, while granting Government land to Housing Societies, Institutions, etc. containing Development Plan (DP) reservations / Roads, queries have been made by Government in Revenue & Forest Department as to whether FSI/TDR in lieu of DP roads, DP reservations should be granted to lessee or otherwise. This issue has been discussed by the Urban Development Department with Officers from the Revenue & Forest Department and other concerned Officers and a ~~consensus~~ decision has been arrived at. Government is, therefore, pleased to issue

following guidelines while granting Government lands containing DP roads or DP reservations;

(A) Grant of FSI in lieu of DP Roads:

It has been observed that in many cases Collector has granted FSI in lieu of Government lands falling under DP Roads. As a matter of fact, it is obligatory duty of the Planning Authority to construct DP Roads by securing the lands at a nominal price from Government in Revenue & Forests Department. However, in certain cases, on account of paucity of funds or the lower priority given by the Corporation to such projects, the Corporation may come forward with an option to allow the Government's lessee / allottee to construct DP Road at his own cost. Considering this eventuality and the related issues, there appears no objection to grant Government lands reserved for Roads in DP subject to the following conditions:

- a) It will be obligatory on the part of Collector to prepare the comprehensive layout of the Government lands in accordance with the proposal of DP before allotting lands under DP Roads;
- b) FSI in lieu of area covered by DP Roads shall be distributed proportionately amongst all the plots carved out in the layout ~~(referred to as (a) above)~~. However, before granting such FSI, NOC from the Municipal Corporation of Greater Mumbai (MCGM) shall be obtained.
- c) The DP roads shall be constructed by the lessee/lessees/ allottee/allottees of the land under layout as per municipal specifications and to the satisfaction of the MCGM.
- d) The FSI permissible in lieu of DP roads shall be subject to the Regulation No. 33 (1) of the said Regulation.

- e) All the plot holders of the layout of the Government land, shall have right on the land under DP roads in proportion to their respective holdings.
- f) No further FSI in lieu of constructed amenity shall be available to the lessee/allottee as is otherwise available to land owners as per Clause 6 of Appendix-VII of the said Regulations.

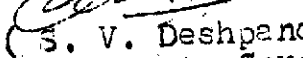
(B) Grant of FSI/TDR in lieu of DP reservations

- i) Lands under unbuildable reservations such as open spaces, Playground, Recreation Grounds shall be exclusively spared to the Planning Authority at nominal cost as per existing policy. As such question of granting TDR in lieu of such reservation to the lessee / allottee need not arise.
- ii) Reserved lands for which the Planning Authority is not the Appropriate Authority may be allotted to the concerned Appropriate Authority as per normal rules and regulations.
- iii) Lands reserved for specific purpose other than ~~the~~ (1) above, can be allotted to the qualified registered institutions that are supposed to develop such sites, as per principle laid down by Government in Revenue & Forest Department & other concerned Departments.
- iv) Lands reserved for public purposes that can be developed on accommodation reservation concept as spelt out in the said Regulation can be allotted to any individual / society, subject to development as per said regulations.

The above guidelines shall be applicable to the jurisdiction of Municipal Corporation of Greater Mumbai only and shall come into force with effect from the date of issue of this notification, so that, previous commitments made by Government in Revenue & Forest Department are honoured.

This Notification issues in concurrence with the Revenue & Forest Department vide the remarks of that Department dated 16.6.98 on the unofficial reference of even number.

By order and in the name of the Governor of Maharashtra.


(S. V. Deshpande)
Under Secretary to Government